



POLICE DEPARTMENT

October 29, 2009

MEMORANDUM FOR: Police Commissioner

Re: Detective Frank Manns
Tax Registry No. 901904
Housing Brooklyn
Disciplinary Case Nos. 82797/07, 82967/07 & 83349/07

The above-named member of the Department appeared before me on February 3 and 4, March 17, and May 21, 2009,¹ charged with the following:

Disciplinary Case No. 82797/07

1. Said Detective Frank Manns, assigned to Special Victim's Division/SOMU, while on-duty, on or about February 26, 2007, in New York County, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department, in that said Detective engaged in a verbal and physical altercation with another person, identity known to this Department, in that said Detective while involved in a verbal altercation, did point his finger at said individual in a threatening manner and then did poke him in the chest causing said individual to fear for his physical safety.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED
CONDUCT

Disciplinary Case No. 82967/07

1. Said Detective Frank Manns, while assigned to Detective Borough Queens, on or about and between October 10, 2006 and October 11, 2006, at a location known to this Department, in Queens County, did fail and neglect to sign-in at the commencement of said tour and sign-out at the completion of said tour in the Command Log on two (2) occasions, as required. (*As amended*)

P.G. 203-05, Page 1, Paragraph 2 and 4 PERFORMANCE ON DUTY,
GENERAL REGULATIONS

¹ The trial record was held open until July 15, 2009, to afford the parties time to submit written summations.

2. Said Detective Frank Manns, while assigned as indicated in Specification #1, on or about March 28, 2006, at a location known to this Department, [REDACTED], did wrongfully and without just cause prevent or interfere with an official Department Investigation, to wit: said Detective stated to members of the New York City Police Department that his girlfriend violated an Order of Protection that was issued in behalf of said Detective, and stated to investigators on a subsequent date that he was unaware that said Order of Protection was issued until after his girlfriend was arrested. *(As amended)*

P.G. 203-10, Page 1, Paragraph 2(d) – PROHIBITED CONDUCT – GENERAL REGULATIONS

3. Said Detective Frank Manns, while assigned as indicated in Specification #1, on or about and between September 6, 2006 and November 27, 2006, at a location known to this Department, in Queens County, did fail and neglect to sign-out at the completion of said tour in the Command Log on nine (9) occasions, as required. *(As amended)*

PG 203-05, Page 1, Paragraph 2 and 4 – PERFORMANCE ON DUTY, GENERAL REGULATIONS

4. Said Detective Frank Manns, while assigned as indicated in Specification #1, on or about and between September 6, 2006 and November 27, 2006, at a location known to this Department, in Queens County, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective commenced his tour late on four (4) occasions for a total of approximately four (4) hours and fifty-seven (57) minutes and failed to submit a leave of absence report for lost time, as required.

PG 203-10, Page 1, Paragraph 5 – PROHIBITED CONDUCT – GENERAL REGULATIONS

Disciplinary Case No. 83349/07

1. Said Detective Frank Manns, assigned to the Detective Borough Queens (Night Watch), on or about January 25, 2007, after having been notified by New York City Police Officer Pamela Russell of a possible sexual abuse of a twenty-two (22) month old child did fail and neglect to comply with said notification.

P.G. 203-03, Page 1, Paragraph 2 – COMPLIANCE WITH ORDERS

P.G. 203-05, Page 1, Paragraph 1 – PERFORMANCE ON DUTY

The Department was represented by Beth Douglas, Esq., Department Advocate's Office, and the Respondent was represented by Antonia Kousoulas, Esq.

The Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Disciplinary Case No. 82797/07

The Respondent is found Guilty.

Disciplinary Case No. 82967/07

The Respondent is found Guilty of Specification Nos. 1, 2 and 3. It is recommended that Specification No. 4 be Dismissed.

Disciplinary Case No. 83349/07

The Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Police Officer Pamela Russell, Lieutenant Keith Gallagher, Alan Komnick, Detective Patrick Boylan, Detective Patrick Perri, Detective Keith Welz, Police Officer Caroline Harrigan, Captain Richard Dee and Sergeant Ralph Ciaravalli as witnesses.

Police Officer Pamela Russell

Police Officer Pamela Russell, who is assigned to the Special Victims Unit's Instant Response Team (IRT), testified that the purpose of her unit is to provide rapid response to special victims. She testified that when the Administration for Children Services (ACS) is notified of an allegation of sexual abuse of a child, ACS notifies Special Victims Dispatch which notifies the Child Advocacy Center (CAC).

Officer Russell recalled that on January 25, 2007, she worked a tour of duty of 2200 hours to 0635 hours. She testified that at 3:55 a.m., she received a notification from ACS concerning a 22-month-old child who had a suspicious vaginal rash indicating that the child was a possible victim of sexual abuse. CAC's office was closed at this time because CAC closes 45 minutes after midnight. Russell identified Department Exhibit (DX) 1 as the "Instant Response Intake Form: 231" (Form 231) she had received from ACS and she identified the fax cover sheet she prepared and addressed to "Det. Manns." Russell testified that police officers had not responded to this complaint because if officers had responded that fact would have been indicated in the "presenting issue" box on top of page 2 of Form 231. Russell testified that before she faxed this form to the Respondent, she had a telephone conversation with the Respondent. She recalled that between 4:00 a.m. and 4:25 a.m., she telephoned Detective Borough Queens and spoke to an individual who identified himself as Detective Manns. She recalled that she told him about the content of the document she was going to fax him. She recalled that the Respondent told her, "We are busy with multiple shootings. Just fax it." The Respondent then hung up on her. Russell testified that she then faxed the Form 231 to the Respondent. Russell testified that she wrote "information sharing only" on the fax

cover sheet that she faxed to the Respondent. She testified that information sharing only means that the intake response form should be provided to CAC when it reopened in the morning. Russell recalled that after she faxed this document to the Respondent, she telephoned Detective Borough Queens again to confirm that the Respondent had received her fax. The Respondent told her that he had received the fax. Russell testified that she never told the Respondent that the child only had a rash and that she never told the Respondent police officers had already responded to this complaint.

On cross-examination, Russell testified that the CAC opens at 8:00 a.m. She testified that she was not aware that the Respondent's tour ended at 8:00 a.m. She testified that she did not write "notify CAC in morning" on the form. When Russell was directed to the portion of the form that states "aunt has custody," she testified that if ACS had done a child removal this would have been indicated on the form. When Russell was asked whether the Respondent was required to arrange for a detective to respond to the residence where the child was located, Russell testified that the decision regarding whether a detective should respond to the residence was "up to the Night Watch covering supervisor." Russell testified that after she had called the Respondent back to confirm that he had received her fax, she did not call the Respondent again to remind him about notifying CAC before she signed out from her tour and left her command at 0635 hours. When Russell was confronted with a statement she made at her official Department interview, she testified that when she was asked what information sharing means at this interview, she answered that the phrase information sharing means forwarding the report to CAC.

Lieutenant Keith Gallagher

Lieutenant Keith Gallagher, who has been a member of the service for twenty-three years and is presently assigned to the Queens County District Attorney's Squad, testified that from December, 2004 until May, 2007, he was the Integrity Control Officer for Detective Borough Queens.

Lieutenant Gallagher recalled that on January 25, 2007, he arrived for work at Detective Borough Queens at 0800 hours. At 1030 hours, he was emptying a garbage can in the office when he saw a fax form in the garbage can. Lieutenant Gallagher identified DX 1 as the fax and the attached Form 231 that he found in the garbage can. Gallagher spoke to the sergeant who had been Night Watch supervisor and to the day dispatcher. They both told him that they were unaware of the existence of DX 1. He also spoke to the returning detective squad and was informed that they were unaware of DX 1. Gallagher recalled that the Respondent, who was on restricted duty, had been assigned to the "wheel" as the telephone switchboard operator "dispatcher" for Queens Night Watch. Gallagher noted that the Respondent was not entered in the movement log. Gallagher ascertain that the Respondent had signed in at 2327 hours and had signed out at 0800 hours.

Gallagher testified that since CAC was closed at the time DX 1 was faxed to Detective Borough Queens, the Respondent "at the very least" should have made a notification about DX 1 to the Night Watch supervisor or to the detective squad supervisor at the precinct of occurrence, which in this case would have been the 114 Precinct Detective Squad. Gallagher contacted Sergeant Buel, the Night Watch supervisor there. Sergeant Buel told him that they had not been notified about DX 1.

Gallagher recalled that when he issued a command discipline to the Respondent for failing to notify 114 Precinct Detective Squad about DX 1, the Respondent told him, "We were busy and unable to respond at that time."

On cross-examination, Gallagher testified that he did not notify the duty captain about this because he was conducting a preliminary investigation of the Respondent's action. He recalled he found DX 1 lying on top of other garbage inside the garbage can. DX 1 was not crumpled up. When he was asked what "information sharing only" means, he testified that he was not certain what that phrase meant. He did not inspect the daily activity log for Detective Borough Queens Night Watch. He testified that he spoke to Russell, who told him that after she had sent DX 1 to Detective Borough Queens, she told the Respondent, "You've been notified. Now it's in your hands." When Gallagher was asked if the Respondent had the authority to dispatch detectives regarding the notification he had received from Russell, Gallagher answered, "Yes." Gallagher testified that "at a minimum" the Respondent was required to make sure that the day dispatcher was aware of DX 1 so that CAC could be notified.

Alan Komnick

Alan Komnick testified that during February, 2007, he was employed by the owner of the building at 314 West 40th Street, Manhattan, which houses the offices of the New York State Parole Board. Komnick recalled that on February 26, 2007, he was standing outside the entrance to the Parole Board's offices. Komnick testified that his job was to monitor the entry of individuals into the Parole Board's offices. Komnick recalled that a man dressed in civilian clothes, whom he identified in the trial room as the

Respondent, attempted to enter the building through the Parole Board's entrance door. Komnick recalled he asked the Respondent, "How may I help you?" When the Respondent did not identify himself, Komnick refused to allow him entry through the door. The Respondent told Komnick that he wanted an apology. Komnick told the Respondent to leave him alone. Komnick testified that he felt threatened by the Respondent because the Respondent pointed his finger at him and poked him on his chest. Komnick testified that he later noticed that "somebody" had let the Respondent into the building.

On cross-examination, Komnick testified that the Respondent "took a swing" at him while they were outside the building and tried to "break my fingers by bending them back." Komnick recalled that he told the Respondent three times to "let go!" The Respondent let go the second time he said this. Komnick testified that nothing happened between him and the Respondent inside the building. Komnick testified that three days after this incident, he noticed that he had a bruise on his chest. He did not report this bruise to Department investigators who interviewed him.

Detective Patrick Boylan

Detective Patrick Boylan, who is assigned to the Sex Offender Monitoring Unit (SOMU) and who has been member of the service for twenty-two years, testified that SOMU's offices are located on the first floor of the building at 314 West 40th Street, Manhattan, which houses the offices of the New York State Parole Board. On February 27, 2007, he worked a 0600 hours to 1433 hours tour. He recalled that at 0630 hours, he was inside SOMU's offices standing next to Detective Patrick Perri's desk when

Komnick entered their area. He recognized Komnick as the superintendent of the building. Boylan saw that the Respondent was standing nearby. Boylan recalled that as of February 27, 2007, the Respondent had been assigned to SOMU for only a short time. Boylan heard the Respondent tell Komnick in a "loud" voice, "I'm not one of your parolees! Don't treat me like one!" Komnick responded, "All I said was 'May I help you?'" Boylan testified that he then saw the Respondent "poke" Komnick "hard" on Komnick's chest once with his index finger.

On cross-examination, Boylan testified that he had once had a loud verbal argument with Komnick regarding a scratch Boylan had observed on his car which had been parked near the entrance to the building. Boylan recalled he became upset at Komnick because Komnick told him he had been watching the entrance area at the time someone scratched the car. Boylan testified that he was not issued any charges by his supervisors for engaging in this verbal argument with Komnick. Boylan testified that he saw the Respondent poke Komnick on his chest inside the building, not outside. Boylan recalled that Police Officer Lisa Newkirk was at the other end of the office when this incident occurred. Boylan recalled that he had to step between Komnick and the Respondent and that he told them, "This is not the place for this." After Boylan said this, the Respondent walked away.

Detective Patrick Perri

Detective Patrick Perri, who has been a member of the service for twenty-three years and is assigned to SOMU, testified that on February 26, 2007, he performed a 0600 hours to 1433 hours tour at SOMU. While he was working, an argument broke out in

front of his desk. Perri recalled that Komnick asked, "Who is this guy?" The Respondent began "yelling" at Komnick. Perri recalled that the Respondent told Komnick, "I'm not a parolee!" Komnick responded, "I asked you 'How can I help you?'" The Respondent told Komnick, "I'm not one of your parolees!" Perri testified that he saw the Respondent use his pointed index finger to poke Komnick once on his chest. Komnick told the Respondent, "Don't touch me!" Perri testified that Komnick then "punched the wall." Perri never saw Komnick touch the Respondent. Perri saw Boylan get in between the Respondent and Komnick.

On cross-examination, when Perri was asked whether the Respondent was "up in Komnick face?" Perri responded that he did not recall that. Perri testified that the only thing he did during this incident was to say to the Respondent, "Hey, Frank." Perri testified that after he said this, the Respondent walked away. Perri testified that Komnick never told him that the Respondent had swung at him, or that he had bent his fingers, or he had caused a bruise to his chest. Perri testified that he was at his desk prior to this incident and that when he is at his desk he cannot see the front of the building.

Detective Keith Welz

Detective Keith Welz, who is assigned to the 106 Precinct Detective Squad, testified that he has a Juris Doctor degree from Brooklyn Law School and is a licensed attorney. Welz testified that although he has engaged in off-duty legal employment at a law firm, he has engaged only in civil litigation matters and he does not represent anyone unless that person has signed a retainer agreement with the law firm. Welz recalled that

he represented that Respondent at an official Department interview as the Respondent's DEA delegate regarding a matter unrelated incident to these charges.

Welz recalled that on March 27, 2006, the Respondent called him on his cell phone. Welz went to the Respondent's residence and observed damage to the Respondent's car. The Respondent told him that his ex-girlfriend Donna Williams had caused the damage. Welz recalled that on March 28, 2006, he asked the Respondent whether he had obtained an Order of Protection regarding Williams. When the Respondent answered in the affirmative, Welz told the Respondent that Williams had to be arrested for violating the Order of Protection.

On cross-examination, Welz testified that when he was subjected to an official Department interview regarding this matter he told Lieutenant Kehoe that the Respondent had told him that he had obtained an Order of Protection. Welz acknowledged that he never personally saw this Order of Protection. Welz acknowledged that after March 28, 2006, he learned that Williams had alleged that detectives drink on the job. Welz testified that his advice to the Respondent that he should have Williams arrested had nothing to do with Williams' allegation about detectives.

Police Officer Caroline Harrigan

Police Officer Caroline Harrigan, who was assigned to the 107 Precinct in March, 2006, testified that on March 28, 2006, she was on duty performing patrol duties when she was directed to respond to Donna Williams' residence. Harrigan recalled that Williams was crying and that she told Harrigan that she was crying because she had been arrested and had spent the night at Central Booking. Harrigan recalled that at about 2100

hours, Lieutenant Weitzman ordered her to arrest Williams for violating an Order of Protection. Harrigan then arrested Williams. Harrigan telephoned the Respondent later that night. The Respondent told her that Williams had violated an Order of Protection by making phone calls to his phone all day long. Harrigan recalled that this telephone conversation occurred between 11 p.m. and midnight. The Respondent never told her whether he had wanted Williams arrested or not arrested.

On cross-examination, Harrigan testified that after she had arrested Williams and transported her to the 107 Precinct, but before her telephone conversation with the Respondent, she was faxed a copy of the Order of Protection the Respondent had obtained regarding Williams (Respondent's Exhibit [RX] A). Harrigan recalled that she was subjected to an official Department interview regarding this matter on June 12, 2006. Harrigan testified that she had a conversation with Deputy Inspector Talamo about the Order of Protection but that it occurred inside the 107 station house not at the arrest scene. Deputy Inspector Talamo did not tell her that he had the Order of Protection.

Captain Richard Dee

Captain Richard Dee, who is presently assigned as Commanding Officer, Queens Gang Squad, testified that on March 28, 2006, he "was assigned to the patrol duty in Queens South." Dee recalled that at 2020 hours, the Internal Affairs Bureau informed him about an off duty incident involving the Respondent. He responded to the [REDACTED] residence where the Respondent told him that there was an existing Order of Protection regarding his girlfriend Donna Williams, that she was not supposed to telephone him and that Williams had been calling his cell phone all day long

from the Central Booking holding area. The Respondent handed Dee his cell phone and Dee reviewed the incoming calls for that day. Dee noticed that a number of calls had a prefix number of 520 which is the same prefix as Queens Criminal Court and Central Booking Queens. The Respondent told Dee that he received two calls from the prefix number which he did not answer but he did answer the third call and realized that it was Williams calling him. The Respondent told Dee that after Williams was released, she called him all day.

On cross-examination, Dee was asked whether the Respondent should have been subjected to an official Department interview under the provisions of the Patrol Guide rather than being informally being interviewed at his mother's residence. He responded that at that point it was not necessary to conduct an official Department interview because he had no information that the Respondent had engaged in any misconduct. When Dee was asked whether the Respondent had told him that an Order of Protection existed or that he would be obtaining an Order of Protection, Dee answered that he was certain that the Respondent had told him that an Order of Protection had already been issued.

Sergeant Ralph Ciaravalli

Sergeant Ralph Ciaravalli, who is assigned to Chief of Detectives Investigations Unit, testified that he was assigned to investigate this matter and that he interviewed Donna Williams, the police officers who arrested Williams and the Duty Captain.

Ciaravalli recalled that he conducted an official Department interview of the Respondent on August 30, 2006. At this interview, the Respondent stated that he never told anyone that he wanted Williams to be arrested. The Respondent also stated that the

Order of Protection he had obtained against Williams had been faxed to the 106 Detective Squad. The Respondent stated at this interview that on March 28, 2006, Williams had telephoned him from Queens Central Booking but that, at that point in time, he did not know if she had been served with the Order of Protection. Ciaravalli recalled that at this interview the Respondent asserted that the arresting officers had “jumped the gun” by arresting Williams when they did.

On cross-examination, Ciaravalli acknowledged that at the official Department interview conducted on December 26, 2006, one of the interviewers told the Respondent that the allegations that the Respondent had failed to sign in and sign out of his command was “not a major thing” and that sometimes “28s get lost.”

Ciaravalli testified that he examined the roll call records of the Respondent’s command which indicated that no sergeant was assigned, only a “covering sergeant” who was not present at the command. Ciaravalli was shown a command log for the date of October 8, 2006 (RX B). Ciaravalli confirmed that on the Respondent’s sign in entry the time of 2405 was entered. Ciaravalli acknowledged that this was an incorrect military time and that the sign in time should have been entered as 0005. [The time entry of 2405 on RX B is crossed out]. Ciaravalli was also shown the command log entry for October 9, 2006, (RX C). Ciaravalli testified that the entry of 0001 was chronologically correct and that an entry of 2210 would not be chronological and would have to be initialed by a supervisor.

The Respondent’s Case

The Respondent called Jeffrey Andrews as a witness and testified in his own behalf.

Jeffrey Andrews

Jeffrey Andrews, who is employed as a pharmacy technician at Jamaica Hospital, Queens, testified that he serves as a union delegate for Local 1199. Andrews testified that he is a friend of the Respondent and that on or about March 28, 2006, the Respondent told him, "I might be arrested," and asked him to accompany him to the precinct. When they arrived there, the Respondent introduced him to a Detective Welz. The Respondent and Welz then entered an interview room. The Respondent and Welz came out of the room a number of times to confer. On one occasion, Welz came out of the room alone. Andrews testified that he asked Welz, "Do I need to get an attorney for Frank?" Andrews recalled that Welz responded, "No. I am representing Frank."

The Respondent

The Respondent, who is currently assigned to VIPER 13, testified that on March 27, 2006, he was assigned to the 106 Precinct Detective Squad where he investigated complaint reports. He described Donna Williams as a very close friend. In March, 2006, she was his girlfriend but they were not living together. He was living at [REDACTED], where he has maintained his address since he became a member of the Department. [REDACTED]
[REDACTED]
[REDACTED] He would visit her at her residence frequently.

On March 27, 2006, Williams was arrested outside of his residence for damaging his personal vehicle. Before she was arrested, Williams had become upset at him because he had promised to deal with a member of the service (MOS) who was assigned to the 106

Detective Squad and who had sent Williams pornographic material. Williams felt that he had not handled her complaint properly, although he had reported her complaint to Welz and other MOS. When Williams arrived at his residence, he was inside. She yelled for him to come outside. Williams took a baby seat and put it on the front of his vehicle which was parked in his driveway. He then saw her move around to the back of his vehicle. Later, when he came outside, he saw scratches on the front and back of his car. Williams was arrested and taken into custody in front of his residence "around 2000 hours" on March 27, 2006. He was summoned to the 105 Precinct and questioned there.

When he was asked when he first found out that an Order of Protection had been issued by a judge with regard to Williams, he testified, "I believe it was after I spoke to Officer Harrigan." He spoke to Harrigan "maybe like 2200, 2230" hours "something like that" on March 28, 2006, the following day. He never told any MOS that he wanted Williams to be arrested. He told various MOS that Williams had contacted him from central booking and that she had spoken to his sister. When these MOS asked him if Williams might attempt to commit suicide, he told them that in his opinion she was capable of killing herself. Welz told him that a faxed copy of the order of protection had been sent over to the 106 Precinct. He never stated to any MOS that Williams had violated an Order of Protection. After Williams was arrested, he was assigned to modified duty and has been on modified duty since then.

About three months after the incident with Williams, he was assigned to Queens Night Watch. Sergeant Furline was the Respondent's immediate supervisor. When he was later transferred, Lieutenant Gallagher stepped in as the commander of Queens Night Watch. When the Respondent was asked, "What was your general responsibility with

regard to signing in and signing out?" He answered, "I was to sign in at the beginning of the tour, sign out at the end of tour." He added that, "There was a problem with me signing in and out because Lieutenant Gallagher felt that I was an integrity risk."

The Respondent stated that the reason the logs in evidence show that he had signed in but did not sign out end of tour is because Lieutenant Gallagher and Sergeant Furline "decided to take the command log when they weren't around and place it in a locker and then they had the keys to lock that locker." The Respondent did not have a key to the locker. He heard a "rumor" that that a MOS whose first name was Frank had a key to the locker but the Respondent "could not independently state that I saw him take the key and go in the locker." When Sergeant Furline and Lieutenant Gallagher were not at the command, "the command log would be maintained in the back and that's why I stated an individual by the name of Frank, one of the detectives, had a key and the book would be on the table in a back of another room and they would come in and if you came in late or if you were leaving early or if they had overtime or if my relief didn't come, because I had a face to face relief, the book could be locked in the cabinet." As a result, there were times when he was not able to sign out because he did not have access to the command log. He had conversations with Sergeant Furline "during the course of my stay at Queens Night Watch repeatedly about not being able to sign out. I would have to go down to the 112 Precinct desk and inform the desk that the logbook isn't there and I'm a detective up there and I'm signing out or I need to sign out or whatever basically would - I don't know if he did or not, if he put me in the book or not, but I would just tell him and he was like yeah, yeah."

When he spoke to Sergeant Furline about not being able to sign out, Sergeant Furline told him, "Don't worry. If I write you up that's when you worry about it." Lieutenant Gallagher told him "almost every other day" that he was an integrity risk and that he was "a problem" and that "nobody wants me there in their command." He was never approached by Sergeant Furline or Lieutenant Gallagher or any other supervisor and told that he should sign out nor was he provided with an alternative means to sign out. He recalled that "I brought it to their attention sometimes." He never received anything in writing from Lieutenant Gallagher or Sergeant Furline or anyone else about this nor did they tell him that he needed to fill out "28s" for any of the occasions where he is accused of failing to sign out. He admitted that there were times when he did not sign the log book. When he was asked by his attorney, "Would some of those times just have been an oversight?" he responded, "I wouldn't say oversight. It was more of, you know, you didn't get an opportunity and somebody blocked you out and that's just how it went because Lieutenant Gallagher - - if I wasn't at my desk Lieutenant Gallagher sat right behind me so if I wasn't there sometimes he in turn reviewed the paperwork and everything for the squad for that day." Sergeant Furline had the same tour of duty he did. Between September 6, 2006 and November 27, 2006, Sergeant Furline never wrote him up for being AWOL or for leaving work early or for coming in late, although the command log is supposed to be reviewed on a daily basis. Lieutenant Gallagher never said anything to him in reference to coming in late or signing in.

The Respondent recalled that he did not perform his assigned tours of duty on October 10 and 11, 2006, because he had requested and received approval to take emergency leave (E days) on those two dates. When he was asked what procedure he

was required to follow in requesting an E day, he testified, "First you try to contact the covering supervisor. If he is not available you would then contact a supervisor from another detective squad. You would explain the situation to them. They in turn would authorize you to take that day off. You would then call back your command with the supervisor's name and tell them that this individual gave me the day off. They in turn would take down your personal information such as your social security, and your shield, your tax number and then they would fill out every part other than the signature part" of the UF 28 form.

On October 10, he "spoke to the sergeant from the 114 Detective Squad because the sergeant was - - the covering sergeant was not available. He was not around." On October 11, he "spoke to the 115 sergeant." When he was asked, "Were those sergeants required to fill out UF 28s?" he responded, "Since they were not in my command they would just approve it." A "detective from my squad would" prepare a UF 28 form "and place it in Lieutenant Gallagher's box." The Respondent stated that he was not personally required to fill out a UF 28 for October 10 or October 11 because he was not present at his command.

When he was asked, "Did you try to locate any UF 28s that may have been prepared by the detective in your squad on October 10 or October 11?" he answered, "I made telephone inquiries. I did not go to the location there because I had made an OEEO complaint against Lieutenant Gallagher and I thought if he was there and I was there, there would be some type of problem there so therefore I avoided the situation." When he was asked who he had telephoned, he answered, "I spoke to one of the ladies up in payroll and I believe the other detective to be... I can't exactly remember at this time."

He recalled that on January 25, 2007, he received a telephone call from Police Officer Pamela Russell that a fax was coming over and he then received the fax which involved a child abuse allegation. He asked Russell on the phone, "Do you need a police response?" When she told him "no," he took the fax and "put it in our office. There is slots for each unit, special victims, different precinct detective squads, whatever. I took that fax and I put it in a box for special victims. They normally come - - they would normally come in - - if it's not an emergency they would normally come in and handle it or send it out to whatever unit." He identified DX 1 as the fax and the Form 231 that he received from Officer Russell who told him that she was sending it for informational purposes only. She told him that there was redness on the child, that the child had a diaper rash, and that there was no need for units to go out to the location because a patrol unit had responded, ACS had responded and "it was unfounded." He was notified at 4:25 a.m. by Officer Russell. It was his responsibility to review DX 1 and to then put it into the special victims unit's box. He could not send this document to the special victims unit's office, which was located right down the hall, because there was no one there then. It was closed and would not reopen until 0800 hours. He put the fax into the special victims unit's box, which was right next to his desk. Special Victims Unit personnel were responsible for picking up the fax in the morning from this box. The Respondent testified that he had no authority to dispatch anyone to the location. He spoke with the duty captain. He could not recall the duty captain's name. The duty captain asked him to give him "the calls and everything that came over. I gave him a run down. I told him about the fax." The duty captain asked him, "Did they need units to respond?" He told the duty captain, "No."

About five months later, Lieutenant Gallagher told him that he would be receiving a command discipline because he had endangered the welfare of a minor by improperly handling the fax, even though the case was closed as unfounded by ACS.

On February 26, 2007, he was assigned to SOMU which was located in a building at East 40th Street on Eighth Avenue. The building also houses the offices of the New York Division of Parole. He arrived at work early that day, between 0600 hours and 0700 hours, and remained outside watching construction workers at the building next door. The building has two entrances, one entrance for parolees and another entrance for personnel who work in the building. The Respondent recalled that he was dressed in a business suit and that there were several surveillance cameras on the outside of the building. He was outside standing near the "back door" when Komnick, whom he had never seen before, approached him and asked if he could help him. Komnick "started making facial expressions and making hand gestures." Komnick approached him a second time and asked him, "Can I help you? Can I help you?" The Respondent told him, "No." When a female opened the door, he went inside and signed in. He waited for a few minutes and then came back out "to get breakfast after signing in." When he exited the personnel entrance door, he was confronted again by Komnick who said, "I told you (that) you can't go in that way. Get on line. Get on line. You are going to get on line." Komnick was referring to a line outside the door that consisted of parolees. The Respondent told him he worked there. When he showed Komnick his identification card, Komnick said "I don't want to see that crap." Komnick took his hand and swung it down towards the Respondent. The Respondent pulled his hand back. Komnick began speaking "gibberish." When the Respondent turned to go back inside and grabbed the

door he realized that he was not standing at the employee door. Komnick entered the building through the employee entrance. The Respondent went inside after Komnick entered. Komnick walked in front of him and went into a restricted area that was for police personnel only. He had no idea who Komnick was. He called out, "Sir, sir, sir," to Komnick several times but Komnick ignored him. Komnick walked past Lisa Newkirk. He made a left turn and stopped by the cubicles of Detectives Morgan and Perri. Detective Perri stood up and Detective Boylan was standing up trying to look over into the cubicle area. The cubicle walls are about five feet high. The Respondent was standing about three feet away from Komnick when Komnick, in an elevated voice, demanded to know who he was. Detective Boylan attempted to calm Komnick down by telling him to relax and by telling him that the Respondent worked there. The Respondent told Komnick, "You see I work here. You see I work here." Komnick then turned around and said, "Well, you are an asshole anyway." He was "flaring his arms in the air." He was escorted out by Detective Boylan. The Respondent testified that he did not threaten Komnick while they were outside or inside the building, he did not point a finger at him and he did not poke him in the chest. He had no physical contact at all with Komnick.

The Respondent testified that he was happy when Detective Boylan told Komnick that the Respondent worked there and that Boylan had "vindicated me" by "telling him that I worked there" and "that I was not a parolee." The Respondent testified that at one point he himself told Komnick, "I'm not a parolee." Komnick then walked away and was escorted out of the office by Detective Boylan.

FINDINGS & ANALYSISDisciplinary Case No. 82797/07

It is charged that the Respondent, while he was on duty assigned to the Sex Offender Monitoring Unit (SOMU) on February 26, 2007, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department by engaging in a verbal and physical altercation with Komnick in that he pointed his finger at Komnick in a threatening manner and poked him in the chest causing Komnick to fear for his physical safety.

The Respondent acknowledged that on February 26, 2007, he had a verbal dispute with Komnick after Komnick demanded that the Respondent get in the line of parolees who were waiting to enter the building. The record establishes that the Respondent became annoyed at Komnick because he had mistaken the Respondent for a parolee merely because the Respondent was wearing civilian clothes and standing near the door through which parolees entered the building. The Respondent's annoyance is reflected by his testimony that he told Komnick "I'm not one of your parolees!" and that, after he heard Detective Boylan tell Komnick that he worked at SOMU, he admonished Komnick by repeatedly telling him, "You see I work here! You see I work here!"

However, the Respondent denied that he became so angry at Komnick that he had pointed his index finger at Komnick or poked him in the chest. The Respondent asserted that he had no physical contact at all with Komnick.

Respondent's counsel argued that Komnick's claim that the Respondent pointed his index finger at him and poked him in the chest should be disregarded because

Komnick testified that the Respondent did this to him outside the building not while they were inside the building. However, I need not rely on Komnick's recollection of this event because the Department presented the independent and believable testimony of Detectives Boylan and Perri who both testified that they saw the Respondent poke Komnick once in the chest using a pointed index finger.

I credit Boylan's and Perri's testimony because they were not shown to have any reason to lie about what they saw the Respondent do to Komnick. Neither was shown to be a friend of Komnick's. On the contrary, Boylan related that he and Komnick had once engaged in a loud argument after Boylan discovered that someone had scratched his car and Komnick told him that he had been watching the area where Boylan's car was parked at the time the car was damaged. Also, it is clear that they did not tailor their testimony to support Komnick's version of this event.

Moreover, the Respondent himself corroborated a significant aspect of Boylan's and Perri's testimony. Boylan and Perri both testified that they heard the Respondent tell Komnick, "I'm not one of your parolees!" This testimony was corroborated by the Respondent who admitted that he had said this to Komnick.

Finally, Komnick's claim that he felt threatened by the Respondent is supported by Boylan's testimony that the Respondent poked Komnick "hard" in the chest with his pointed index finger. To feel threatened would be a natural reaction to such an intimidating physical action.

The Respondent is found Guilty.

Disciplinary Case No. 82967/07Specification No.1

It is charged that the Respondent failed to sign-in in the Command Log at the commencement of his tours on October 10 and October 11, 2006 and failed to sign-out in the Command Log at the completion of his tours on these two days.

Specification No. 1 of the charges the Respondent was initially served with alleged that "while on duty" on October 10 and October 11, 2006, he was absent without leave (AWOL) from his command. It is not disputed that the Respondent was served with this AWOL charge in a timely manner. On March 6, 2009, the Assistant Department Advocate amended the original Specification No. 1 by replacing the AWOL language with the failure to sign-in and sign-out language cited in the paragraph above.

Statute of Limitations Claim

Respondent's counsel argued that the charge as amended should be dismissed because the amended Specification was served on the Respondent on March 10, 2009, more than 18 months after October 11, 2006, which is the last date that the misconduct is alleged to have occurred. Since a statute of limitations claim constitutes a threshold issue, I will address this claim first.

Respondent's counsel argued that the amended charge that the Respondent failed to sign-in at the commencement of his tours and failed to sign-out at the completion of his tours on October 10 and October 11, 2006, constitutes an entirely new allegation of misconduct which bears no relation to the original AWOL charge. I cannot ascribe to Respondent's counsel's position. The original AWOL Specification included the phrase

“while on duty.” This language placed the Respondent on notice that he was being charged with having failed to perform his assigned duties in that he was absent from his assigned duties on October 10, 2006 and on October 11, 2006. One of the Respondent’s assigned duties was to be present and personally sign-in when he commenced his tour and to be present and personally sign-out when he completed his tour. Moreover, the amendment to Specification No. 1 did not prejudice the Respondent’s ability to contest the reworded charge since the Respondent’s claim that he received permission to take emergency leave on October 10, 2006 and on October 11, 2006, is as valid a defense to the amended charge as it was to the original AWOL charge.

Based on the above, I reject Respondent’s counsel’s position that Specification No. 1 as amended constitutes an entirely new allegation of misconduct. Consequently, I find no basis for dismissing this charge on a statute of limitations ground.

Evidence Presented Regarding Specification No.1

The Respondent acknowledged that he did not sign-in or sign-out in the Command Log (DX 3) on October 10 and October 11, 2006. The Respondent asserted that he did not report for his scheduled tours of duty on these two dates because he had received permission to take an emergency leave day (E day) on each of these dates. When he was asked what procedure he was required to follow in requesting an E day, he testified, “First, you try to contact the covering supervisor. If he is not available you would then contact a supervisor from another detective squad. You would explain the situation to them. They in turn would authorize you to take that day off. You would then call back your command with the supervisor’s name and tell them that this individual

gave me the day off. They in turn would take down your personal information such as your social security, and your shield, your tax number and then they would fill out every part other than the signature part” of a UF 28 form.

The Respondent asserted that when he wanted to take an E day on October 10, he followed this procedure by calling his command to obtain approval but that the covering sergeant was not available because “he was not around.” The Respondent asserted that he then called the 114 Detective Squad (Det. Sqd.) and spoke to a sergeant there who verbally approved his request to take an E day. The Respondent asserted that he then called his command back, provided the 114 sergeant’s name to someone at his command and told that person that the 114 sergeant had approved his request to take an E day.

Similarly, the Respondent asserted that when he wanted to take another E day the very next day (October 11), he called his command but, because the covering sergeant was once again not available, he called the 115 Det. Sqd. and spoke to a sergeant who approved his request to take an E day. The Respondent asserted that he then called his command back and provided the sergeant’s name to someone at his command so that a UF 28 could be prepared.

The Respondent’s assertions must be examined in light of the fact that he could not provide the names of either of the two sergeants who he claims approved his requests to take E days or the names of either of the detectives at his command who he claims he informed that he had been approved for E days on October 10 and 11.

It was the Respondent’s responsibility to memorialize these approvals by making a note of the names of the two sergeants who approved his E days and it was the Respondent’s responsibility to insure that UF 28s had actually been prepared at his

command. The Respondent was not able to provide even one of the names of the two sergeants who had supposedly approved his E days. Nor could he provide the names of the detectives at his command he claims to have notified about the approvals that were supposedly issued by the two sergeants whose names he cannot recall.

Thus, his self-serving claims that he received approval from supervisors to take E days on October 11 and 12 and that he notified his command of these approvals are completely unsupported.

Moreover, when he was asked if he had tried to locate the UF 28s that he claims should have been prepared by a detective in his squad on October 10 and on October 11, he asserted that he had only made telephone inquiries about these UF 28s (supposedly because he wanted to avoid Lieutenant Gallagher). When he was asked who he had telephoned at his command in attempting to locate these UF 28s, he answered, "I spoke to one of the ladies up in payroll and I believe the other detective to be... I can't exactly remember at this time."

The Respondent's testimony regarding his alleged attempts to locate UF 28s that would have established that he was not guilty of this charge can only be described as pathetic. Based on the Respondent's self-described lack of effort in attempting to locate UF 28s that would have proved his innocence, the only conclusion that can be reached is that he made no real attempts to locate these UF 28s because he knew they were nonexistent since he never actually obtained approval from a sergeant at the 114 Det. Sqd. to take an E day on October 10, never obtained approval from a sergeant at the 115 Det. Sqd. to take an E day on October 11, and never notified his command.

The Respondent is found Guilty of Specification No.1.

Specification No. 2

It is charged that the Respondent, on March 28, 2006, wrongfully and without just cause prevented or interfered with an official Department investigation in that he stated to members of the service that his girlfriend had violated an Order of Protection that had been issued against her on his behalf, whereas the Respondent told Department investigators on a subsequent date that he first became aware that an Order of Protection had been issued only after his girlfriend was arrested.

The Assistant Department Advocate called Detective Welz to testify about what the Respondent had said to Welz during a private conversation he had with the Respondent while Welz was representing the Respondent at an official Department interview. Respondent's counsel argued that any statements the Respondent made to Welz were privileged communications because Welz is a licensed attorney and the Respondent testified that he believed that Welz was representing him as his attorney. If Welz was representing the Respondent as his attorney, their conversation constituted a privileged communication; if Welz was representing the Respondent as his union delegate, their conversation was not privileged.² I need not determine this issue because I find that Welz' testimony was superfluous since Harrigan and Dee both credibly testified that the Respondent told them, in separate conversations, that he had obtained an Order of Protection against Williams, that she was not supposed to telephone him and that she had called his cell phone repeatedly from Central Booking.

I credit the testimony of Harrigan and Dee since neither was shown to have a reason to falsely claim that the Respondent had volunteered that he had been issued an

² See In re: Grand Jury Subpoenas dated January 20, 1998, 995 F. Supp. 332 (EDNY 1998); 1998 US Dist LEXIS 2531.

Order of Protection against Williams. I reject the Respondent's claims, initially made at an official Department interview and repeated at this trial, that he never told any MOS that an Order of Protection existed against Williams and, based on Harrigan's credible testimony, I reject the Respondent's claim that he found out for the first time that an Order of Protection had been issued by a judge regarding Williams only after he spoke to Harrigan.

The Respondent is found Guilty.

Specification No. 3

It is charged that the Respondent, on or about and between September 6, 2006 and November 27, 2006, failed and neglected to sign-out in the Command Log at the completion of his tour on nine occasions. This amended charge mirrors the language contained in Specification No. 3 of the Charges and Specifications the Respondent was initially served with which alleged that on or about and between September 6, 2006 and November 27, 2006, he "did neglect to sign out end of tour, as require (sic) on nine (9) occasions as required."

The Department offered evidence at this trial that the Respondent failed to sign-out in the Queens Night Watch Sign-in/Sign-out Log (the log) at the completion of his tours on September 6, 10, 13 and 14, 2006; October 1 and 8, 2006; and November 20, 26 and 27, 2006.

The Respondent acknowledged that when he was assigned to Queens Night Watch it was his responsibility "to sign in at the beginning of the tour, sign out at the end of tour." He further acknowledged that there had been occasions during September,

October and November, 2006, when he had not signed out in the log at the completion of his tour.

He offered a long, rambling litany of excuses regarding why it had sometimes been impossible for him to access the log so that he could meet his responsibility of signing out end of tour. He asserted that he had been unable to sign out at the end of his tour on the charged dates because the Command Log was sometimes locked inside a safe for which he had no key and that an MOS he identified only as "Frank" had control of the key. When he was asked if he had told his supervisors that he was unable to sign out end of tour because the log was not available, he lamely testified that he had "brought it to their attention sometimes." Even if I credit his testimony that "Frank" had the key to the safe, he did not claim that he had ever even asked "Frank" to open the safe so that he could access the log and sign out.

I reject the excuses offered by the Respondent. He was required to do everything he could do to get access to the log so that he could meet his responsibility of signing out in the log at the end of his tour. His personal failures in this regard are reflected by his unsupported testimony that on occasions when he could not get access to his command's log to sign out, he would go downstairs to the 112 Precinct desk and inform the desk officer "that the logbook isn't there and I'm a detective up there and I'm signing out or I need to sign out or whatever basically would - - I don't know if he did or not, if he put me in the book or not..." Thus, he acknowledged that he never even looked at the 112 Precinct command log to confirm whether the desk sergeant had entered his name and sign-out time in that log.

The Respondent is found Guilty.

Specification No. 4

This charge alleges that the Respondent on or about and between September 6, 2006 and November 27, 2006, wrongfully commenced his tour late on four occasions, for a total of approximately four hours and 57 minutes, and that he failed to submit a leave of absence report for lost time as required. The Assistant Department Advocate (ADA) stated that the four specific occasions on which the Respondent commenced his tour late were October 3, 8, 9 and 30, 2006.

Statute of Limitations Claim

Respondent's counsel argued, in her summation, that this Specification should be dismissed as being outside the applicable statute of limitations because this Specification was served on the Respondent on March 10, 2009, more than 27 months after the alleged misconduct occurred. The ADA argued, in her summation, that this Specification is not time-barred. In support of her argument the ADA cited the "Relation Back Doctrine embodied in CPLR 203(f)" and asserted that the misconduct alleged in this Specification relates back to Specification No. 3 of the original charges which were served on the Respondent in a timely manner.

Initially, it should be noted that although the CPLR is not technically binding at Departmental disciplinary proceedings³ it provides reasonable guidance in determining procedural issues. The dates of October 3, 8, 9 and 30, 2006, fall within the September 6 to November 27, 2006, time period referenced by Specification No. 3 of the original charges. However, Specification No. 3 of the original charges only alleged that the

³ The CPLR does not govern administrative proceedings since administrative proceedings are neither actions nor special proceedings. CPLR section 105(b).

Respondent neglected to “sign out end of tour” on nine occasions. Thus, the original Charges and Specifications contain no allegation that the Respondent commenced any tour late or that he failed to submit any report during the period September 6, 2006 to November 27, 2006, or at any other time.

Since the original Charges and Specifications contain no allegation that the Respondent commenced any tour late or that he failed to submit any report, the original Charges and Specifications did not provide the Respondent with any notice at all that he would be required to defend himself against allegations that he had committed misconduct related to the commencement of his tours or relating to failing to submit a Department report (much less a leave of absence report for lost time). Moreover, of the four dates that the Respondent is alleged to have commenced his tour late (October 3, 8, 9 and 30, 2006), only one of these dates (October 8, 2006) coincides with a date on which the Respondent failed to sign-out at the completion of his tour.

These facts undermine the ADA’s argument that this Specification relates back to Specification No. 3 of the original charges. Since commencing a tour late and failing to submit a report constitute different misconduct than failing to sign-out at the completion of a tour, and since the four dates on which the Respondent is alleged to have commenced his tour late are different dates (with one exception) from the nine dates on which the Respondent failed to sign-out at the completion of his tour, I reject the ADA’s contention that the original charges gave the Respondent “notice of the transactions, occurrences, or series of transactions or occurrences” that are charged in the present Specification.

Thus, I conclude that these allegations that the Respondent commenced tours late and that he failed to submit a leave of absence report for lost time constitute new allegations of misconduct.

Since the Department failed to serve the Respondent with this charge within the 18 month statute of limitations period, it is recommended that Specification No. 4 be Dismissed.

Disciplinary Case No. 83349/07

It is charged that the Respondent, while assigned to Night Watch at Detective Borough Queens on January 25, 2007, failed and neglected to comply with a notification made by Police Officer Pamela Russell regarding the possible sexual abuse of a 22-month-old child.

I credit Russell's testimony that she never told the Respondent that patrol units had responded regarding the Instant Response Intake Form: 231 she faxed him (DX 1) and that she never told him that that the child only had a diaper rash. I also credit Gallagher's testimony that the Respondent "at the very least" should have notified the Night Watch supervisor or the detective squad supervisor at the 114 Precinct Detective Squad about the content of the Form 231 that Russell faxed him.

The Respondent acknowledged that he and Russell spoke via telephone. However, the Respondent asserted that Russell had told him that patrol units had responded to this notification and that Russell also told him that that the child only had a diaper rash. The Instant Response Intake Form: 231 that Russell faxed to the Respondent (DX 1) supports Russell's version of their conversation.

I reject the Respondent's claim that Russell told him that patrol units had responded to this notification because I credit Russell's testimony that if patrol units had responded to this notification, this fact would be noted in the "Presenting Issue" box located at the top of page 2 on this form. This box contains no entry regarding a patrol response.

Although the Respondent claimed that Russell had told him that the child only had a diaper rash, the Respondent acknowledged that it was his responsibility to review the Instant Response Intake Form: 231. I find that he failed to comply with his responsibility because had he done so he would have read the information contained in the "Presenting Issue" box which states: "22-month old child has a *suspicious* vaginal rash, with *blisters* in the area. *Medical findings indicate sexual abuse* (emphasis added)." (DX 1)

Finally, the Respondent acknowledged that it was his responsibility to put the fax into the appropriate box for the morning shift to respond to it. Although the Respondent testified that he placed Russell's fax in the Special Victim's box, I credit Gallagher's testimony that he found the fax and the Form 231 in a garbage can. This fact also serves to refute the Respondent's claim that he handled the fax properly.

The Respondent is found Guilty.

PENALTY

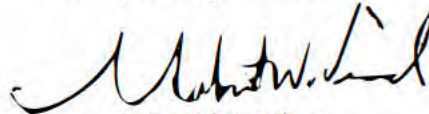
In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). The Respondent was appointed to the Department on June 30, 1992. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has been found Guilty of failing to comply with a notification faxed to him by a police officer assigned to the Special Victims Unit regarding the possible sexual abuse of a 22-month-old child. The Respondent has also been found Guilty of engaging in conduct prejudicial to the good order, efficiency, and discipline of the Department in that he engaged in a verbal and physical altercation with a civilian during which he pointed his finger at the civilian in a threatening manner and poked him in the chest. The Respondent has also been found Guilty of failing to sign-out in the Command Log at the completion of his tour on nine occasions. Finally, the Respondent has been found Guilty of interfering with an official Department investigation in that he gave inconsistent statements to MOS who investigated his allegations against Williams. Although he told Harrigan and Dee that Williams' telephone calls to him from Central Booking constituted a violation of an Order of Protection, he subsequently told Department interviewers that he never told any MOS that Williams had violated an Order of Protection.

The Assistant Department Advocate recommended as a penalty that the Respondent forfeit the 34 days he served on pre-trial suspension, that he also forfeit 30 vacation days, and that he be required to serve one year on dismissal probation.

The Respondent blamed supervisors and refused to accept personal responsibility for his misconduct. It is, therefore, recommended that the Respondent be DISMISSED from the New York City Police Department, but that the penalty of dismissal be held in abeyance for a period of one year pursuant to section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. The Respondent was suspended from February 28, 2007 until April 4, 2007, on which date he was restored to duty and placed on modified assignment, having served a total of 34 days on suspension. It is further recommended that the Respondent forfeit the 34 days he served on suspension and that he also forfeit 30 vacation days, for a total forfeiture of 64 days.

Respectfully submitted,



Robert W. Vinal

Assistant Deputy Commissioner - Trials

APPROVED
JAN 05 2010

RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
DETECTIVE FRANK MANNS
TAX REGISTRY NO. 901904
DISCIPLINARY CASE NOS. 82797/07, 82967/07 & 83349/07

The Respondent received an overall rating of 4.0 on his 2008 annual performance evaluation, 4.0 on his 2007 annual evaluation and 4.0 on his 2005 evaluation. He has been awarded one Commendation and five Meritorious Police Duty medals. [REDACTED]
[REDACTED]

He has a prior formal disciplinary record. In 2001, he forfeited 20 vacation days as a penalty after he pleaded guilty to four charges: that he failed to submit a change of name or social condition form; that he failed to maintain his activity log; that he failed to account for approximately 285 summonses; and that he failed to report the loss of two activity logs.

In April, 2007, he was placed in Level II Discipline Monitoring based on his overall record.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner Trials